

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1105 OF 2003
IN
SUIT NO.1899 OF 1989

Union Bank of India ..Plaintiffs.

Vs.

M/s.Balaji Luggage
Industries & Ors. ..Defendants.

Mr.S.S.Joshi i/b.M/s.Lokhandwala & Co. for the
Plaintiffs.

Mr.Ameya Tamhane i/;b.Ms.Seema Sarnaik for Defendant
Nos.4 and 5.

CORAM : S.J. VAZIFDAR, J.
DATED : 6TH FEBRUARY, 2006

P.C. :

The Chamber Summons is taken out by Defendant
Nos.4 and 5 to delete them from the above suit.

2. The Chamber Summons is taken out on the basis
that Defendant Nos.4 and 5 were not the partners at
the material time of Defendant No.1.

3. The learned counsel appearing on behalf of
Defendant Nos.4 and 5 states that the record with
the Registrar of Firms pertaining to Defendant No.1
has been destroyed. In the circumstances, it is
necessary to ascertain whether, in fact, Defendant

Nos.4 and 5 were the partners of Defendant No.1 at the material time. This can be done only at the final hearing of the suit.

4. In the circumstances, the Chamber Summons is dismissed. It is however clarified that the question as to whether Defendant Nos.4 and 5 were partners of Defendant No.1 or not at the relevant time is kept open, to be decided at the final hearing of the suit.